



Administration
& Management

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

February 14, 1997

ADMINISTRATIVE INSTRUCTION NO. 100

SUBJECT: Gifts from Foreign Governments

References: (a) [DoD Directive 1005.13](#), subject as above, July 20, 1996
(b) Section 7342 of Title 5, United States Code
(c) Title 41, Code of Federal Regulations, Parts 101-49 and 101-45

1. PURPOSE

This instruction implements reference (a) by prescribing procedures and assigning responsibilities governing the acceptance and retention of gifts from foreign governments.

2. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Defense Advanced Research Projects Agency, the Defense Security Assistance Agency, the Ballistic Missile Defense Organization, and the DoD Field Activities (hereafter referred to collectively as "the OSD Components").

3. POLICY

In accordance with reference (a), no civilian employee or military member assigned to an OSD Component may request, or otherwise encourage, the offer of a gift from a foreign government. Whenever possible, gifts of greater than minimal value (currently \$245) shall be refused. However, a gift exceeding minimal value may be accepted when it appears that refusal of the gift would offend or embarrass the donor, or could affect adversely the foreign relations of the United States. In such instances, the gift becomes the property of the United States and shall be disposed of as

prescribed in Section 4.5., below.

4. RESPONSIBILITIES AND PROCEDURES

4.1. The Director, Real Estate and Facilities, Washington Headquarters Services, shall:

4.1.1. Provide for the custody and security of gifts that exceed minimal value pending their purchase from the U.S. Government by the recipient or their transfer to the General Services Administration (GSA) for disposition in accordance with 5 U.S.C. 7342 and 41 CFR 101-49 and 101-45 (references (b) and (c)).

4.1.2. Provide for delivery, to the GSA, of gifts that exceed minimal value upon request by the GSA.

4.1.3. Obtain commercial appraisals of gifts, as necessary, to establish their value.

4.1.4. Maintain records of gifts that exceed minimal value, which have been received from foreign governments by civilian employees or military members assigned to the OSD Components, and prepare such reports for the GSA and the Department of State as required by DoD Directive 1005.13, 5 U.S.C. 7342, and 41 CFR 101-49 and 101-45 (references (a) through (c)).

4.1.5. Authorize the retention of gifts that exceed minimal value for official use by an OSD Component (e.g., for display or functional purposes).

4.2. The Heads of the OSD Components, shall:

4.2.1. Ensure that subordinate civilian employees and military members are familiar with their responsibilities under reference (a) and this Instruction.

4.2.2. Ensure that gifts exceeding minimal value, which have been retained for official use by organizations under their supervision, are not used for the personal benefit of any individual employee, but that all employees are provided the opportunity to receive the indirect benefit of these items. For example, jewelry received as a gift may not be worn by an employee or the employee's spouse, while a lamp, ashtray, clock, painting, or rug may be used or displayed in the recipient's office, another office within the organization, or in a general purpose area, such as a conference room, cafeteria, library, or lobby.

4.2.3. Ensure that gifts exceeding minimal value, which are no longer to be retained for official use, are returned to the Director, Real Estate and Facilities (RE&F).

4.3. The Director, Defense Legal Services Agency, Through the Standards of Conduct Office, shall counsel newly appointed agency personnel on the policies and procedures in DoD Directive 1005.13 (reference (a)) and this Instruction.

4.4. The Director, Organizational and Management Planning, shall advise the Director of Administration and Management, Office of the Secretary of Defense, on policy matters pertaining to reference (a) and this Instruction.

4.5. The Employees of the OSD Components upon acceptance of a gift from a foreign government, shall:

4.5.1. Make a determination as to the value of the gift. If there is reasonable doubt as to whether the gift is worth more or less than the minimal value, the recipient shall follow procedures in paragraph 4.5.3., below.

4.5.2. Retain or dispose of gifts such as table favors, mementos, remembrances, or tokens bestowed at official functions, and other gifts that do not exceed minimal value received as souvenirs or marks of courtesy from a foreign government. In no case should such gifts be turned in to the Director, RE&F.

4.5.3. Report by memorandum to the Director, RE&F, all gifts that exceed minimal value. The memorandum (sample at enclosure 1) shall contain the following information:

4.5.3.1. Name and title of recipient;

4.5.3.2. A brief description of the gift;

4.5.3.3. Date of acceptance;

4.5.3.4. Estimated value;

4.5.3.5. Current disposition or location;

4.5.3.6. Identity of foreign donor, title of his or her position, and government;

4.5.3.7. Circumstances justifying acceptance;

4.5.3.8. Whether the gift is being returned to the donor; retained for official use (include a statement of the intended use and a statement of the OSD Component Head including the Principal Staff Assistant within OSD (or designee) concurring with such use); forwarded to the Director, RE&F, for disposition; or forwarded to the Director, RE&F, with intent by the recipient to purchase it from the U.S. Government;

4.5.3.9. A recommendation (if desired), with appropriate justification, to transfer the gift to a public agency for official use.

4.5.4. If an employee desires to purchase a gift that exceeds minimum value, the Director, RE&F, shall obtain an appraisal and forward it to the GSA for a determination of the appropriate sale price. The sale price, which is paid to the GSA, shall be the appraised value of the gift plus the cost of obtaining the appraisal. The Director, RE&F, shall retain custody of the gift until the recipient either purchases, or declines to purchase the item.

5. EFFECTIVE DATE

This Instruction is effective immediately.


D. O. Cooke
Director

Enclosures - 1

1. Sample Memorandum Reporting Receipt of Gift from a Foreign Government

E1. ENCLOSURE 1

SAMPLE MEMORANDUM REPORTING RECEIPT OF GIFT FROM A FOREIGN
GOVERNMENT

SAMPLE

**MEMORANDUM FOR DIRECTOR, REAL ESTATE AND FACILITIES,
WASHINGTON HEADQUARTERS SERVICES**

SUBJECT: Report of Gift Received from a Foreign Government

The following information is reported in compliance with DoD Directive 1005.13 and Administrative Instruction concerning receipt of a gift from a foreign government.

1. The recipient is John A. Smith, Principal Deputy Assistant Secretary (Policy).
2. The gift is described as an oval silver dish with floral design on rim.
3. Presented on 1 November 1996.
4. Estimated value: Exceeding minimal value of \$245.
5. Disposition and/or location of gift: Forwarded with this memorandum.
6. Foreign Donor: Ambassador of Italy
7. Acceptance of the gift, in the judgment of the recipient, was justified in that refusal of the gift may have offended or embarrassed the donor.
8. The gift is forwarded to Director, Real Estate and Facilities for disposition.

John A. Smith
Principal Deputy Assistant Secretary of Defense (Policy)